HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.31533 of 1998

Dated 17th day of April, 2007

Between:

Palla Satyanarayana and five others .. Petitioners

And

The Special Deputy Collector-cum-
Land Acquisition Officer,
A.P.I.I.C., Visakhapatnam
and another .. Respondents

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O R D E R:

This writ petition is instituted seeking a mandamus to declare the action of the respondents in proposing to acquire the petitioners' lands in S.Nos.191/13, 14 and 200/1, 200/2, 200/5, 200/7 and 200/9 situated in Mettakivalasa village neither considering the objections raised by them nor conducting any enquiry under Section 5-A(2) of the Land Acquisition Act (for short "the Act"), as arbitrary and illegal.

The petitioners assert that they have got small extents of lands such as Ac.00.16 cents, Ac.00.35 cents, Ac.00.27 cents, etc. in S.Nos.191/13, 14 and 200/1, 200/2, 200/5, 200/7 and 200/9 situated in Mettakivalasa village, Bobbili Mandal, Vizianagaram District and they have been in possession and enjoyment of them since long. While so, the 1st respondent issued a Notification under Section 4(1) of the Act declaring that the lands in question are required for a public purpose and thereafter, issued a Notice dated 9.6.1998 calling for their objections to hold an enquiry under Section.5-A of the Act. Now, the petitioners' grievance is that though they submitted their explanation raising objections against acquisition of their lands, the 1st respondent, without conducting any enquiry, is trying to acquire the lands in question.

A detailed counter affidavit is filed wherein it is clearly stated that an enquiry as provided under Section 5-A of the Act was conducted on 25.6.1998.

Heard the learned counsel for both the parties.

In view of the fact that the enquiry as ordered by the 1st respondent was conducted on 25.6.1998, the relief sought for by the

petitioners cannot be granted.

Hence, I see no merits in this writ petition, and the same is accordingly dismissed. No costs.

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17.04.2007

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